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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,411	12/16/2003	William Sobonya	MAEE 2 00036	6311
27885	7590	06/26/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			BOYD, JENNIFER A	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 06/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,411

Applicant(s)

SOBONYA, WILLIAM

Examiner

Jennifer A. Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed April 7, 2006, have been entered and have been carefully considered. Claim 1 is amended, claims 5 – 14 are withdrawn and claims 1 – 18 are pending. In view of Applicant's amendment requiring that the binding strings are arranged in pairs with each string of each pair passing alternately above and below adjacent sticks but opposite the remaining string of the pair, the Examiner withdraws all previously set forth rejections as detailed in Office Action dated January 11, 2006. After another search was conducted, additional prior art has been found which renders in the invention as currently claimed unpatentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

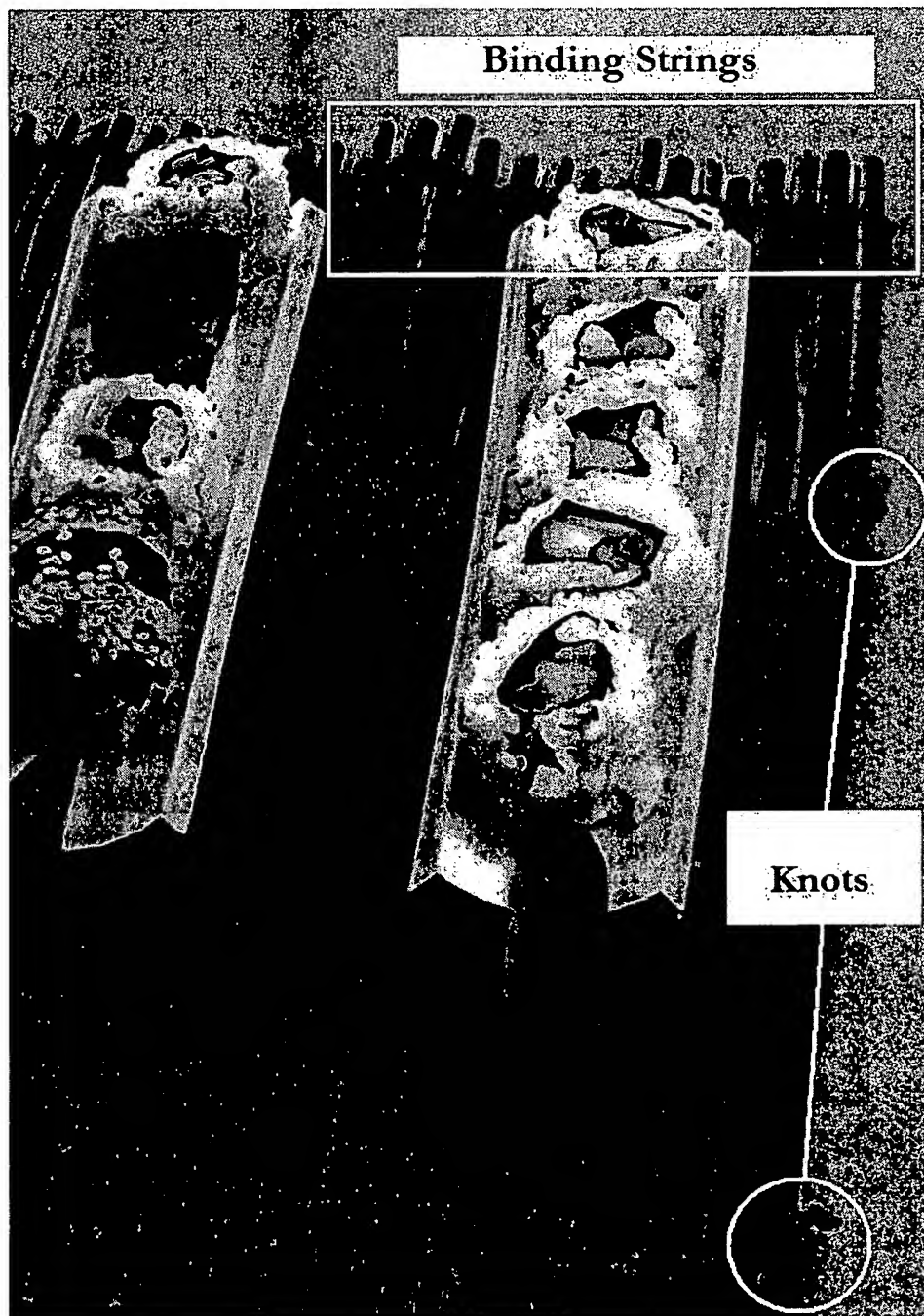
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 3 is rejected under 35 U.S.C. 102(e) as being anticipated by "The Craft and

Art of Bamboo” by Carol Stangler.

Carol Stangler teaches various projects to be made for the home and garden (Title).

As to claim 1, Carol Stangler shows in the Figure on page 88 a bamboo mat. See below.



As shown in the Figure, the mat comprises a plurality of bamboo sticks arranged adjacent to each other attached together by a plurality of binding strings. It should be noted that bamboo is a type of wood as required by claim 3. This type of construction involves two strings passing alternately above and below adjacent sticks to secure the adjacent sticks together as required by Applicant. As shown, the excess string is tied into a knot and has additional excess string beyond the knot. It should be noted that the limitation of “means for forming...” is not given patentable weight because it does not positively require that the linking knot ties adjacent sheets of sticks together. Due to the construction of the mat, the mat *can be* rolled up or folded up.

Claim Rejections - 35 USC § 103

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over “The Craft and Art of Bamboo” by Carol Stangler in view of Dionne (US 3,064,691).

Stangler teaches the claimed invention above but fails to teach that plastic sticks may be used.

Dionne teaches draw curtains and the like (Title). Dionne teaches the use of plastic material instead of bamboo or wood slatting in order to create an aesthetically pleasing look like bamboo and provide flexibility to the material, which is not provided by bamboo (columns 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate plastic sticks instead of bamboo sticks as suggested by Dionne in the mat as taught by Stangler motivated by the desire to create an aesthetically pleasing and flexible material suitable for mats.

Claim Rejections - 35 USC § 103

6. Claims 15 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over “The Craft and Art of Bamboo” by Carol Stangler in view of Wu (US 5,823,374).

Stangler teaches the claimed invention but fails to teach that adjacent sheets may be connected by selectively tying the excess string to at least one stick of an adjacent sheet as required by claim 15.

Wu is directed to a collapsible box formed with bamboo strips. Wu teaches that the box is superior to conventional wooden boxes because bamboo has a better strength than typical wood and better resistance to environmental factors (e.g., moisture). Wu teaches that adjacent panels may be tied to one another for firmly assembling the box (column 3, lines 45 – 50). See Figures.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the excess string of Stangler to tie adjacent panels together as suggested by Wu motivated by the desire to easily and securely attach and unattach adjacent mat to create a longer mat if desired.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over “The Craft and Art of Bamboo” by Carol Stangler in view of Wu (US 5,823,374) as applied above, and further in view of Dionne (US 3,064,691).

“The Craft and Art of Bamboo” by Carol Stangler in view of Wu teaches the claimed invention above but fails to teach that plastic sticks may be used.

Dionne teaches draw curtains and the like (Title). Dionne teaches the use of plastic material instead of bamboo or wood slatting in order to create an aesthetically pleasing look like bamboo and provide flexibility to the material, which is not provided by bamboo (columns 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate plastic sticks instead of bamboo sticks as suggested by Dionne in the mat as taught by Stangler in view of Wu motivated by the desire to create an aesthetically pleasing and flexible material suitable for mats.

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 4 and 15 – 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The instructional guide to “Mat Weaving” by the Cornell Cooperative Division shows how to weave a mat using bamboo skewers where the skewers are joined together by alternating yarn as claimed by Applicant. When the mat is complete, the ends are tied into a knot and extra warp length may be left to add fringe. The date of the publication is unknown.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer Boyd
June 21, 2006



Ula C. Ruddock
Primary Examiner
Tech Center 1700